

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	Criminal No. 03-30047-MAP
)	
)	
v.)	
)	
MELVIN RICHARDSON)	
Defendant.)	

MEMORANDUM PURSUANT TO LOCAL RULE 116.5

The United States of America, by and through its undersigned attorneys hereby files this memorandum. The government has provided a copy to Vincent Bongiorno, Esq., counsel for Defendant.

1. The Government has provided or made available all of its discoverable information. There are no outstanding discovery requests from the Defendant in this case.

2. The parties do not anticipate additional discovery as the result of future receipt of information.

3. The defendants do not intend to raise a defense of insanity or public authority.

4. The government has requested notice of alibi by the defendants and there have been no responses by the defendants.

5. The Defendant has not yet filed but may file, a motion to dismiss, or suppress, or other motion requiring a ruling by the District Court before trial pursuant to Fed. R. Crim. Pro. 12(c).

6. It is not necessary to schedule any matter in the case other than a Pretrial Conference.

7. The parties are currently engaging in plea negotiations.

8. The parties agree that there are periods of excludable delay. The parties agree that the time frame from the date of arraignment, November 3, 2003, until the date the Court ruled on disputed discovery issues, October 20, 2004, should be excluded. On January 12, 2004, the Court ordered that the time from arraignment until March 4, 2004 (conference date) should be excluded in the interests of justice. Docket Entry #17. Since March 4, 2004, until October 20, 2004, the parties move to exclude the time because the Defendants' contested discovery motions were open and contested throughout this time period. The Court resolved the discovery dispute on October 20, 2004. 18 U.S.C. 3161(h)(1)(F). From October 20, 2004 until December 7, 2004 should be excluded upon Defendant's Motion to Continue, as it was in the interests of justice to allow the Defendant's motion. 18 U.S.C. 3161(h)(8)(A)

Therefore, as of the day of the Status Conference on December 7, 2004, 9 days - the time from the Defendant's detention hearing until his arraignment - have run and 61 days remain on the Speedy Trial clock.

9. In the event that a trial is necessary the trial will

last approximately 4 days.

10. A date convenient with the Court should be established for Pretrial Conference.

Filed this 7TH day of December, 2004.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

S/ PAUL HART SMYTH
PAUL HART SMYTH
Assistant United States Attorney

Vincent Bongiorno, ESQ.
Counsel for Defendant
On behalf of defendant Mitchell:

CERTIFICATE OF SERVICE

Hampden, ss.

Springfield, Massachusetts
December 7, 2004

I, Todd E. Newhouse, Assistant U.S. Attorney, do hereby
certify that I have served a copy of the foregoing, via in-hand
service to counsel of record.

PAUL HART SMYTH
Assistant U.S. Attorney